

REMARKS

By this amendment, claims 119 and 129 have been amended; and new claims 141-174 have been added. Accordingly, upon entry of this amendment, claims 50, 53-55, and 119-174 will be pending in this application. No new matter has been introduced by this amendment. Of the pending claims, claims 131-134 were previously withdrawn. New claims 141-171, 173, and 174 are drawn to the elected subject matter of previously elected species I. New claim 172 is drawn to the non-elected subject matter of species II and therefore is withdrawn from consideration as directed to a non-elected species.

In the outstanding Final Office Action, claims 50, 53-55, 119-130, and 135-140 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,040,359 to Thimon ("Thimon") in view of U.S. Patent No. 4,807,427 to Casteel et al. ("Casteel"). Applicant disagrees with this rejection, and maintains that the claims as previously presented are patentable. However, Applicant has amended the independent claims in an effort to further prosecution. Applicant reserves the right to pursue the subject matter of the claims prior to amendment in a related application.

Amended Independent Claims 119 and 129

Applicant respectfully requests withdrawal of the rejection of claims 50, 53-55, 119-130, and 135-140 under 35 U.S.C. § 103(a) as being unpatentable over Thimon in view of Casteel. Neither Thimon nor Casteel, whether taken alone or in combination, teaches or suggests each of the elements in claims 50, 53-55, 119-130, and 135-140. Thus, the cited art fails to establish a *prima facie* case of obviousness. See M.P.E.P. 2143.

On page 2, the Office Action asserts,

“Thimon discloses . . . driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation (Figs. 9 and 13; via rods 37 and 38), with at least one of an upstream guide roll and a downstream guide roll (Fig. 5; via rollers 62, 63, 37, and 38).”

Applicant respectfully disagrees with this assertion. Thimon does not teach or suggest that rollers 62 and 63 perform driving of the film web. Rather, Thimon discloses, “[T]wo other rollers 62, 63,” and that, “a . . . pre-stretching device of this type could be formed by the pair of rollers 59, 60 or 62, 63 arranged accordingly. In a variant, the pre-stretching device is placed downstream from the deviating and offsetting means 27.” Thimon, column 12, line 34; and column 13, lines 11-15. Thus, according to Thimon, rollers 62, 63 are not part of the deviating and offsetting means 27. As such, rollers 62 and 63 do not drive the film web from a first elevation to a second. Therefore, rollers 62 and 63 cannot be either of an “upstream guide roll and a downstream guide roll,” as suggested on page 2 of the Office Action.

Thimon discloses, “deviating and vertical-offsetting means 27 comprise at least two rods 37, 38 for returning and guiding the band of film 5.” Thimon, column 10, lines 40-45. As previously discussed in the response filed on September 22, 2006, Thimon’s rods 37 and 38 cannot “drive” the film down, and instead, allow the film to slide down rods 37 and 38. Applicant has amended claims 119 and 129 to more clearly reflect this distinction.

Amended independent claims 119 and 129 each recite, *inter alia*, “driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation through rotation of at least one of an upstream guide roller and a downstream guide roller.” Rods 37 and 38 of Thimon are bars, not rotatable rollers. Also, Thimon discloses, “two return and guide rods 37, 38 are stationary . . . relative to their

respective longitudinal axis 44, 45 and having an outer surface capable of permitting the sliding of the band of film.” Thimon; and column 11, lines 21-25. The fact that Thimon discloses that guide rods 37 and 38 are stationary relative to their axes 44 and 45, and that the film slides on the outer surfaces of rods 37 and 38, both indicate that rods 37 and 38 are not rotatable, but instead, remain fixed while the film slides across their outer surfaces. Thus Thimon discloses the passive step of allowing the film to slide across the stationary bars rather than the active step of driving the film through rotation of a least one roller. Further, since Thimon discloses rods 37 and 38, rather than rollers, and fails to teach or suggest rotating either of rods 37 and 38, Thimon certainly fails to teach or suggest “driving at least a portion of the film web from a first elevation to a second elevation lower than the first elevation through rotation of at least one of an upstream guide roller and a downstream guide roller,” as required by amended independent claims 119 and 129.

Casteel was cited for allegedly teaching or suggesting the step of rolling a portion of the film web into a cable. See Office Action, page 3. Assuming that Casteel does provide such a teaching, which Applicant does not admit, Casteel fails to remedy the deficiencies of Thimon discussed above. Thus, Thimon and Casteel, whether taken alone or in combination, fail to teach or suggest each of the claim elements recited in amended independent claims 119 and 129. For all of the reasons above, Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Claims 50, 53-55, 120-128, 130, and 135-174 depend from one of amended independent claims 119 and 129, and are allowable for at least the reasons stated above that amended independent claims 119 and 129 are allowable. In addition, each

of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Applicants request that withdrawn claims 131-134 and 172 be rejoined with the elected claims in this application. Claims 131-134 and 172 all depend either directly or indirectly from one of independent claims 119 and 129, and thus, are allowable for at least the same reasons that independent claims 119 and 129 are allowable. In addition, each of these withdrawn dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

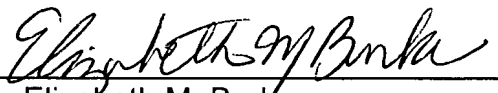
In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 20, 2007

By: 
Elizabeth M. Burke
Reg. No. 38,758